

# GAGAN DENOUNCES CLEARY ACQUITTAL, BUT DENIES BLAME

Rockland County Prosecutor  
Insists He Did All He  
Could to Convict.

ALBANY, N. Y., Feb. 4.—The acquittal of William V. Cleary, Democratic boss and former Town Clerk of Haverstraw, who was accused of the murder of his son-in-law, Eugene Neugass, was a miscarriage of justice, says District Attorney Gagan of Rockland County. But the verdict, he insists, was not due to any negligence on the part of the prosecutor, as alleged by Frederick E. Newman, father of the dead youth, in a demand for Gagan's removal.

Accompanying Gagan's answer received by Gov. Whitman to-day is a letter from Supreme Court Justice Joseph Morschauer, who presided at Cleary's trial. He says:

"It is my opinion that you conducted the case of the people with your usual zeal and honesty of purpose. I saw nothing during this trial on your part to call for criticism of the conduct of the case in any manner whatsoever."

Supreme Court Justice Isaac N. Mills, who presided at the term of court at which Cleary was indicted, wrote thus:

"You exhibited the utmost zeal and efficiency in the discharge of your official duties. I perceived nothing in your conduct which led me in the slightest degree to doubt that you were actuated by any other purpose than of procuring to the fullest your duty as the Public Prosecutor."

"MISARRIAGE OF JUSTICE; DEFENSE A SHAM."

"I admit," says Mr. Gagan in summarizing his denial of the Newman charges, "that it is my opinion that the verdict of the jury was a miscarriage of justice, but I deny that the same resulted in any way from my neglect or dereliction of duty or violation of duty, or misconduct on my part, or on account of any failure on my part to prosecute said case in good faith, to the best of my ability, or that upon the trial of said case or at any other time I worked in collusion with the defense by aiding and conspiring at the selection of trial jurors or in any other manner."

"I admit that in my opinion the defense of insanity was a sham defense, and I deny that I wilfully and intentionally or otherwise, upon the trial of said case, failed to prove facts in my position establishing the sham character of said defense. On the

contrary, I believe that I did prove said facts by the witnesses, and also that same were proven by my associate, Mr. Bacon, by his cross-examination of the defendant.

"I also employed Dr. Carlos F. McDonald, a well known and competent expert witness, who testified that said defendant knew the nature and quality of his act, and knew that the act was wrong, and also that he was not insane at the time of the commission of the act constituting the crime."

"There was not on said jury any person known to me to be a friend of said defendant or who was connected with him or any of his family or friends, politically or socially, or who was in any way to my knowledge favorable to the defendant."

WHY CERTAIN WITNESSES WERE NOT CALLED.

A week prior to the trial, Mr. Gagan says, he and Mr. Newman went over the jury list together, and Newman agreed in the suggestion that it would be inadvisable to have any jurors from Haverstraw, as many of Cleary's friends and political associates live there.

He did not call Mrs. Cleary, Anna

Cleary Newman and Dr. David P. Debus, the Cleary family physician, before the Grand Jury, because, in his opinion it would have been detrimental to the prosecution.

John Springer and William Waldron were not called for the prosecution because "I had never been informed that they had seen Cleary at any time of the day of the homicide."

These are the men, Newman alleges, who saw Cleary shortly before the killing and could have testified to his rational conduct.

KILLED BY WOMAN'S AXE.

Struck by Blade Flying Off Handle Held by Daughter.

James F. Dirgin, sixty-nine, of Closter, near Sparkill, was struck in the head and killed yesterday by the blade that flew off the handle of an axe his daughter was wielding.

Dirgin was visiting his daughter, Mrs. Cora Dirgin, at Ellensburg. While he stood watching her chop up a barrel the axe head flew against his forehead with such force that his skull was fractured.

# GIMBEL BROTHERS

Broadway and Thirty-third Street

Gimbel Brothers, Bankers.  
(Under Supervision State Banking Department.)  
Deposits made on or before February 1st will draw  
4 Per Cent. Interest  
from February 1st.  
Main Floor, Near Subway

## A Very Charming Group of Model Gowns by Paquin

Made especially for the Lyons International Silk Exposition; displayed on wonderfully life-like figures in a stunning setting of black and white, is a striking feature of

## The Advance Display for the Annual Silk Sale

which is being held in the specially appointed Exhibition Rooms on the Tenth Floor today, tomorrow and Saturday, before the actual opening of the Silk Sale itself next Monday, February 8th.

Both as to prices and desirability, this is by long odds the most important Silk Sale we have ever prepared, and will make it more than ever the pre-eminent silk event of New York.

Silks may be reserved now for delivery at sale prices on Monday.

Special elevators, Nos. 18, 19, 20, to the Tenth Floor at Broadway and 32nd Street.

## The Importer's Loss—Your Gain!

When a leading Japanese importer decided to discontinue his lines of Kimonos and Sacques he offered the entire collection to us for a lump sum. We accepted. A fortnight ago we presented the Kimonos in a Sale which proved to be the biggest occasion of its kind in years. So many women told their friends that our telephone clerks were busy for several days receiving—and finally declining—orders. Tomorrow we shall present the

## 2138 Japanese Hand Embroidered Silk Sacques

At \$1	\$2.95	\$4.95
Regularly \$2	Regularly \$5 to \$6.50	Regularly \$8 to \$10
Silk, lined with silk. Generously hand embroidered.	Crope de Chine, lined with silk. Chiffon over silk.	Crope de Chine, some lined with silk. Very fine! Second Floor

## February Furniture Sale

—"With Initiative"

## Is Bigger Than the Weather

Through the rain and the snow of the opening days people trooped here by the hundreds from many miles around. This good, sturdy furniture; these remarkably low prices; the scores of important innovations introduced in this sale, examples of the "Initiative" that governs it are worth coming for, in any kind of weather. And they are here yet in full completeness—now is the time to see them all.

## Quaint, Gate-Leg, Drop-Leaf Tables Bought on Account of Andrew Horman Retiring from Business

Solid Mahogany Tables	Jacobean Oak Tables
\$15 from \$22.50	\$11.25 from \$17
\$18 from \$27	\$14 from \$21
Oak, \$11.25 from \$17	Oak, \$12 from \$18

The Andrew Horman furniture factory specialized in fine oddities; they made these quaint little drop-leaf tables famous. When Horman retired from business we bought his entire stock on hand of these tables and his price was low enough to permit the above savings.

Good looking tables, exceedingly well made. Ideal for small apartments as they take up but little room when not needed, yet open out to quite a good size.

## Single Pieces For The Living Room

\$85 Davenport \$72.50	\$40 Bookcase \$30
Allover upholstered in tapestry with loose cushion seat. 7 ft. 6 in. long over all.	Solid mahogany in Colonial design, 42 inches long; double doors and adjustable shelves.
\$40 COWAN Library Table \$30	
Famous Cowan make; solid mahogany in Colonial design; top 22x48 in.	

## Half a Million Dollars' Worth of Furniture Has Been Gathered For This Sale

In addition to the great assortments of furniture for the Living Room and Bed Rooms, from which the illustrated articles have been selected, we have a wonderful display of

Furniture for Dining Rooms and Bed Rooms Seventh Floor

## Leather Goods Sale Continues

If you travel, here you'll find many accessories for your comfort, from a small flask at 25c. to a traveling bag at \$10. Or, if you want some particular style of handbag—dress, carriage, pannier, shopping, afternoon—there is wide choice at \$1.25 to \$3.95.

## \$26,000 Worth of Service- Giving Articles (Many Samples) for \$13,500

\$1.25 to \$10 Leather Handbags.  
\$1.25 to \$2.50 Silk and Meltre Handbags.  
\$1.25 to \$2.50 Sample Leather Requisites.  
\$1.25 to \$2.50 Fitted Vanity Cases.  
\$1.25 to \$2.50 Sample Soap (8 pieces).  
\$1.25 to \$2.50 Travelling Bags.  
\$1.25 to \$2.50 Suit Cases (24-inch).  
\$1.25 to \$2.50  
Main Floor

## Toys at Half Price And Even Less

If you want to keep the children happy on rainy days, or when it is too cold to play outdoors, lay in a good supply of these toys; you can buy the finest of them at greatly reduced prices, mostly at half or even less.

\$2 to \$10 Fitted Dolls' Trunks, complete with doll and outfit; many styles of trunks and dolls, now \$1 to \$3.50.  
\$1 Undressed Baby Dolls, with hair and moving eyes, 50c.  
\$1 to \$3 Assorted Toys, for both boys and girls, now 50c each.  
\$5 Fitted Kitchen Cabinets, good size and well made, \$2.50.  
\$1.50 and \$2.25 Dolls' Go-Carts, with parascals, etc., 75c and \$1.  
Fourth Floor

See Page 13 for GIMBEL Subway Store Advertisement

## The Victrola Factory and

## Landays

are deeply interested in the service question. They insist that you receive courteous and efficient attention. Every

## Victrola

must be perfect when delivered to your home. Accept our assurance that the instrument you buy in any of the five Landay Stores will fully realize your expectations.

Terms arranged to suit your convenience. The most liberal in New York.

Come to

Victrolas,  
\$15 to \$250

Victrola  
Records,  
60c up

# Landay

5 Stores BROS

Authorized Victrola Factory Distributors

563 FIFTH AVE., COR. 46TH ST. 437 FIFTH AVE., AT 36TH ST.  
37 W. 34TH ST., Bet. 5th & 6th Ave. 183 W. 43RD ST., Near Broadway  
23 W. 42D ST., Bet. 5th & 6th Ave.

## William Faversham

Famous Actor, says:

"A pipe of Tuxedo keeps me feeling physically fit and in good spirits, and, because it is mild and doesn't bite, it is pleasant to the throat and keeps my voice in good tone."

William Faversham

## Tuxedo Keeps You Physically Fit

Every playgoer has remarked the virility and clean-cut vigor of William Faversham, both as an actor and as a man. No matter what part he is playing, he always presents a figure of alert strength and keen wits. His voice is especially engaging, clear, carrying and sonorous.

For Tuxedo tobacco to gain a testimonial from such a man, stating that it helps to keep him "physically fit and in good spirits" and keeps his voice "in good tone" goes far toward convincing you of Tuxedo's wholesome, all-round value to you.

# Tuxedo

The Perfect Tobacco for Pipe and Cigarette

Tuxedo will put snap and vim into your daily work. It's an inspiring tobacco that will keep you fit as a fiddle, full of zest, hearty and happy and hale. You can smoke it all day long, and each succeeding pipeful will glow with greater cheer.

The original, exclusive "Tuxedo Process" has many imitators—but no equal.

Try Tuxedo for a week, and you'll like it forever.

YOU CAN BUY TUXEDO EVERYWHERE

Convenient, glassine wrapped, moisture-proof pouch 5c  
Famous Green Tin with gold lettering, curved to fit pocket 10c  
In Tin Humidors 40c and 80c In Glass Humidors 50c and 90c

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GEORGE RANDOLPH CHESTER  
Author of the "Get-Rich-Quick" Wallingford Series,  
has written a new story of unique character and thrilling adventure, entitled

## "Runaway June"

This Story Now Running in  
The Sunday World  
Magazine